

Posted – July 31, 2012

REGULAR MEETING AUGUST 6, 2012

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, August 6, 2012 at 7:00 P.M. (EXECUTIVE SESSION – 6:00 PM) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day

general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

EXECUTIVE SESSION-6:00 P.M.

1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-26-5 (a) (5) Land Acquisition (Wyatt Road).

PUBLIC FORUM SESSION

2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

PRESENTATION

3. Memorandum of Town Administrator, re: Pins of Service Third Quarter 2012.

BOARD OF LICENSE COMMISSION

4. Show Cause Hearing (Licensee Notified)

Show Cause Hearing for Lacey, Inc., dba Easton's Point Pub and Restaurant, holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 116 Aquidneck Avenue, Middletown, relative to alleged violations of Rhode Island General Laws, Town of Middletown Ordinances and Liquor Control Regulations, all concerning the consumption of alcohol after legal closing hour.

5. Memorandum of Police Chief, re: Potential Alcoholic Beverage License violation by HPK, Inc., dba Tickets, 15 Aquidneck Avenue.

6. Application of Andrews At Eastgate dba Gold's Grill & Coffee holder of a Class BL Alcoholic Beverage License, to upgrade its current Retailer's Alcoholic Beverage License for premises located at 21 Valley Road, Middletown, Rhode Island from Class BL (Beer and Wine) to Class BV (Full Service). (Requires Advertising for Public Hearing)

CONSENT

7. Approval of Minutes, re: Special Meeting, May 30, 2012.

8. Approval of Minutes, re: Regular Meeting, June 4, 2012.

9. Approval of Minutes, re: Regular Meeting, June 18, 2012.

10. Approval of Minutes, re: Regular Meeting, July 2, 2012.

11. Approval of Minutes, re: Special Meeting July 23, 2012.

12. Memorandum of Jan Eckhart, Chairman Middletown Planning

Board, with enclosure, re: Advisory recommendation on proposed amendments to the Middletown Zoning Board Ordinance Article 4, and Sections 602.B and 725 regarding ground-mounted solar installation. (Requires advertising for public hearing)

13. Communication of J. Clement Cicilline, M.S. President & CEO, Newport County Community Mental Health Center, re: Appreciation for support.

14. Communication of Susan S. Erstling, Ph.D., LICSW Board Chair, Lucy's Hearth, re: Appreciation for support.

15. Communication of Ronald Lee Fleming, FAICP, Chairman, Margaret Lloyd, Esquire, Vice Chairman and Mary Tracy, President, Scenic America, Washington, D.C., re: Appreciation for removal of billboards from East Main Road.

16. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

17. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

18. Memorandum of Town Administrator, re: School Department FY2013 Budget Adjustment Re-allocation of approved CIP funds for Textbooks.

19. Resolution of the Council, re: Budget Adjustments- re-allocation approved CIP funds for Textbooks.

20. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Budget Adjustments as of July 2, 2012.

21. Resolution of the Council, re: FY2013 Budget Adjustments as of July 2, 2012– General Fund.

22. Resolution of the Council, re: FY 2013 Budget Adjustments as of July 2, 2012- Parks and Recreation Fund Budget.

23. Memorandum of Accounting Manager, thru Finance Director, re: Tax Collector's report for the period ending June 30, 2012.

24. Memorandum of Finance Director, thru Town Administrator, re: Sports Banners, School Department.

25. Resolution of the Council, re: Surplus Property – Sports Banners, School Department.

26. Resolution of the Town of Exeter, re: Requesting support of South County and Westerly Hospitals.

27. Application of Blue Plate Diner, Inc. dba Blue Plate Diner, 665

West Main Road, for a Mechanical Amusement Device License for the 2012-2013 licensing year. (RENEWAL)

28. Applications three (3) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

LICENSE & PERMITS

29. Application of J & S Enterprises dba Boss Man Burgers, 510 East Main Road, for a Victualling House License for the 2011-2012 licensing year. (NEW)

30. Application of NBT, LLC dba Empire Tea & Coffee, 58 Aquidneck Avenue, Unit A, for a Victualling House License for the 2011-2012 licensing year. (NEW)

31. Application of Newport Vineyards, 909 East Main Road, for a one day Amusement License on August 11, 2012 – Comedy Show.

32. Application of Newport Vineyards, 909 East Main Road, for a one day Amusement License on August 25, 2012 – Comedy Show.

33. Application of The Newport Hobby House, Ltd. dba Newport Hobby House, 2 Coddington Highway, for a Holiday License for the

2012-2013 licensing year. (NEW)

OTHER COMMUNICATION

34. Communication of Ali Borges, Sponsorship Intern: Middletown Safety Town 2012, re: Request for support of the Safety Town Program.

ORDINANCES

35. Memorandum of the Chief of Police, thru Town Administrator, re: Proposed School Zone Ordinance.

36. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown,

Title VII, Traffic Code, School Zones.

37. Memorandum of MSAPTF Coordinator, thru Town Administrator, re: Alcohol Training Certification Middletown Ordinance 111.10.

38. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XI Business Regulations, Chapter 111, Alcoholic Beverages, Section 111.20 Alcoholic Training Certification.

39. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36, Fee Schedule, Sections (29) Fire and rescue reports and (51) Public Safety Private Detail Billing Rates.

40. Memorandum of Tax Assessor, re: Senior Exemptions for the 2013 Fiscal Year Tax Roll.

41. An Ordinance of the Town of Middletown (Second Reading)

**An Ordinance in Amendment to the Town Code of the Town of Middletown,
Title III Administration, Chapter 34, Taxes, Section 34.02,
Exemption on
Residential Property.**

42. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34, Taxes, Section 34.30, Real Property Exemptions.

43. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34, Taxes, Section 34.40, Property Exemption Defined.

TOWN ADMINISTRATOR COMMUNICATIONS

44. (Continued from Regular Meeting, July 2, 2012)

Memorandum from Jan Eckhart, Planning Board Chairman, re: Advisory recommendation on proposed amendments to Zoning Ordinance, Article 25A, Wind Turbines. (Planning Board Recommendation attached; Requires Advertising for Public Hearing)

45. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: RI-LEAP Crest Street.

46. Resolution of the Council, re: Award of Contract – RI-LEAP Crest Street.

47. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: RI-LEAP Berkeley Avenue.

48. Resolution of the Council, re: Award of Contract – RI-LEAP

Berkeley Avenue.

49. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Amendment: Engineering Services – Aquidneck Avenue Sewer Improvements.

50. Resolution of the Council, re: Award of Contract Amendment - Engineering Services – Aquidneck Avenue Sewer Improvements.

51. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Sewer Improvements on Aquidneck Avenue.

52. Resolution of the Council, re: Award of Contract – Sewer Improvements on Aquidneck Avenue.

53. Memorandum of Town Administrator, re: Beach Facility Advisory Committee.

BOARDS AND COMMITTEES

54. Appointment of two (2) members to the Conservation Commission for a terms expiring July 2015.

Wendy J.W. Marshall, CMC

Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.